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12 Attorneys for Plaintiff

13 **UNITED STATES DISTRICT COURT**  
14 **SOUTHERN DISTRICT OF CALIFORNIA**  
15 **SAN DIEGO DIVISION**

16 **FORTUNE GROWERS, LLC, a**  
17 **Nevada limited liability company,**

18 **Plaintiff,**

19 **vs.**

20 **SOUTHERN CITRUS, INC., a**  
21 **California corporation; HANA GIBO,**  
22 **an individual; SABAH**  
23 **YUKHANNA, an individual; and**  
24 **BROADWAY FARMERS MARKET,**  
25 **INC., a California corporation,**

26 **Defendants.**

Case No.: 3:07-cv-2088

**MOTION FOR DEFAULT  
JUDGMENT**

27 Plaintiff, Fortune Growers, LLC ("Fortune Growers"), by and through its  
28 undersigned counsel, file this Motion for Entry of Default Judgment against  
Defendants, Southern Citrus, Inc., Hana Gibo, Sabah Youkhanna, and Broadway

1 Farmers Market, Inc. (the "Defendants"), pursuant to Federal Rule of Civil  
2 Procedure 55(b). In support of its Motion, Fortune Growers respectfully states:

3 1. The Summonses and First Amended Complaint in this action were  
4 properly served upon Defendants, Southern Citrus, Inc., Hana Gibo, Sabah  
5 Youkhanna, and Broadway Farmers Market, Inc., pursuant to Cal. Code Civ.  
6 Proc. §415.10 and §415.50, and Cal. Gov. Code §6064. The Affidavits of Service  
7 were electronically filed with this Court on December 4, 2007 and January 11,  
8 2008. [Docket Nos. 19, 20, 21, and 24].

9 2. Defendants, Southern Citrus, Inc., Hana Gibo, Sabah Youkhanna,  
10 and Broadway Farmers Market, Inc., failed to file an Answer or other defenses  
11 to Fortune Growers' First Amended Complaint within twenty (20) days as  
12 required by Federal Rule of Civil Procedure 12(a).

13 3. The Clerk of Court entered a Default against Defendants, Southern  
14 Citrus, Inc., Hana Gibo, Sabah Youkhanna, and Broadway Farmers Market, Inc.,  
15 on January 28, 2008. [Docket No. 26].

16 4. Upon information and belief, Hana Gibo and Sabah Youkhanna are  
17 not in the Armed Forces of the United States, as defined by the Soldiers' and  
18 Sailors' Civil Relief Act of 1940.

1           5.     In addition to the principal amount sought in the Complaint,  
2 Fortune Growers also seeks an award of attorneys' fees based upon the contract  
3 between Fortune Growers and Southern Citrus, Inc.  
4

5           6.     The amount of costs, pre-judgment interest, and attorneys' fees is  
6 itemized in the Declaration of Steven M. De Falco, filed contemporaneously  
7 herewith.  
8

9           **FOR THESE REASONS,** Fortune Growers requests the following:

10          A.     That its Motion for Entry of Default Judgment be granted;

11          B.     That Judgment be entered in favor of Fortune Growers and against  
12 Defendants, Southern Citrus, Inc., Hana Gibo, Sabah Youkhanna, and  
13 Broadway Farmers Market, Inc., jointly and severally, in the amount of  
14 \$115,266.40 as reflected in the Complaint;  
15  
16

17          C.     That the Judgment amount include costs, as set forth in the  
18 Declaration of Steven M. De Falco filed contemporaneously herewith, plus pre-  
19 judgment interest from the date each invoice became past due, and attorneys'  
20 fees; and  
21

22          D.     Such other and further relief as this Court deems just in these  
23 premises.  
24

25     //

26     //  
27  
28

1 Respectfully submitted this 11<sup>th</sup> day of February, 2008.

2 **MEUERS LAW FIRM, P.L.**

3 By: s/Steven M. De Falco

4 Lawrence H. Meuers

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